

Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§9-1707.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Newsprint” means paper of the type generally used in the publication of newspapers or commercial advertising inserts printed by the publisher that are made primarily from mechanical woodpulp combined with some chemical woodpulp.

(ii) “Newsprint” includes paper made from old newspapers that have been deinked, using the recycled pulp in lieu of virgin pulp.

(3) “Reporting period” means:

(i) The calendar year for 2005 and earlier; and

(ii) The calendar year and the immediately preceding two calendar years for 2006 and all subsequent years.

(b) (1) Except as provided in subsection (h) of this section, the recycled content percentage requirements for newspapers distributed in the State shall, on a statewide basis, be in accordance with the recycled content percentage requirements specified in subsection (c) of this section for the reporting period.

(2) In the year following any reporting period in which the Secretary determines, based on the reports submitted under subsection (e) of this section, that the recycled content percentage requirements specified in subsection (c) of this section have not been met on a statewide basis, each newspaper shall:

(i) For newspapers distributed in the State, satisfy the recycled content percentage requirement under subsection (c) of this section for the reporting period; or

(ii) Pay the newsprint recycling incentive fee required under subsection (d) of this section for that reporting period.

(c) (1) To satisfy the recycled content percentage requirement of this section for a reporting period, at least the percentage specified in paragraph (2) of this subsection, by weight, of the total newsprint used by the publisher during that reporting period for newspapers distributed in the State shall be recycled materials.

(2) The recycled content percentage requirement is:

- (i) 12% for 1992;
- (ii) 12% for 1993;
- (iii) 20% for 1994, 1995, 1996, 1997, 1998, and 1999;
- (iv) 25% for 2000;
- (v) 30% for 2001 and 2002;
- (vi) 35% for 2003 and 2004; and
- (vii) 40% for 2005 and all subsequent reporting periods.

(d) (1) The newsprint recycling incentive fee for any reporting period is \$10 for each ton of a publisher's recycled content deficiency for the reporting period, as determined under paragraph (2) of this subsection.

(2) A publisher's recycled content deficiency for a reporting period is the difference between:

(i) The product of multiplying the total tons of newsprint used by the publisher for the reporting period times the required percentage for that reporting period; and

(ii) The actual tonnage of recycled material contained in the newsprint used by the publisher for the reporting period.

(e) (1) A publisher of a newspaper distributed in the State shall complete and file with the Secretary:

(i) A quarterly report, on or before the last day of the month that follows each calendar quarter; and

(ii) An annual report, on or before January 31 following each calendar year.

(2) Except as provided in paragraph (3) of this subsection, a report required under this subsection shall:

(i) Be in the form and manner and contain any information that the Secretary requires by regulation; and

(ii) State, for the period covered by the report:

and

1. The total weight of newsprint used by the publisher;
2. The weight of recycled material contained in that newsprint.

(3) The Secretary may not require the disclosure of the price per ton of newsprint paid by any publisher in any report required under this subsection.

(4) A publisher shall pay any newsprint recycling incentive fee required for a calendar year with the annual report that covers that year.

(f) (1) There is a State Recycling Trust Fund.

(2) The Fund shall consist of:

(i) The newsprint recycling incentive fee;

(ii) The telephone directory recycling incentive fee collected under § 9–1709 of this subtitle;

(iii) The covered electronic device manufacturer registration fee collected under § 9–1728 of this subtitle;

(iv) All fines and penalties collected under this subtitle;

(v) Money appropriated in the State budget to the Fund; and

(vi) Any other money from any other source accepted for the benefit of the Fund.

(3) The Secretary shall administer the Fund.

(4) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(5) At the end of each fiscal year, any unspent or unencumbered balance in the Fund that exceeds \$2,000,000 shall revert to the General Fund of the State in accordance with § 7–302 of the State Finance and Procurement Article.

(6) In accordance with the State budget, the Fund shall be used only:

(i) To provide grants to the counties to be used by the counties to develop and implement local recycling plans;

(ii) To provide grants to counties that have addressed methods for the separate collection and recycling of covered electronic devices in accordance with § 9–1703(c)(1) of this subtitle;

(iii) To provide grants to municipalities to be used by the municipalities to implement local covered electronic device recycling programs; and

(iv) To carry out the purposes of the land management administration.

(7) (i) The Treasurer shall invest the money in the Fund in the same manner as other State money may be invested.

(ii) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(g) Repealed.

(h) (1) On the application of a newspaper publisher, the Secretary may exempt the publisher of all or part of the recycled content percentage requirements of this section for the newspaper publisher under such terms and conditions and for such periods as the Secretary considers appropriate if the Secretary determines, after taking into consideration the publisher's supply contracts which existed as of March 15, 1990, that:

(i) The publisher could not obtain from manufacturers serving the mid-Atlantic region an adequate supply of recycled newsprint comparable in quality to virgin newsprint; and

(ii) The publisher has made a good faith effort to meet the recycled content percentage requirements.

(2) If the Secretary fails to act on an application for an exemption of all or part of the recycled content percentage requirements made under paragraph (1) of this subsection within 45 days of the filing of the application with the Secretary, the application shall be deemed approved.

(3) The Secretary shall:

- (i) Review the reports filed under subsection (e) of this section;
 - (ii) Analyze the availability and utilization of newsprint containing recycled material;
 - (iii) Comment on the appropriateness of the recycled content percentage requirements, including whether the requirements encourage manufacturers of virgin newsprint to convert to recycling;
 - (iv) Comment on the need for continuation of the provisions of this section and the impact the provisions of this section have on users of old newspapers for purposes other than producing newsprint;
 - (v) Work with municipalities and other collectors of old newspapers to develop a reliable system to provide a stable and quality supply of old newspapers for recycling;
 - (vi) Work to encourage the location of production facilities in the region to ensure an increase in the supply of recycled newsprint; and
 - (vii) Work to encourage the reuse of old newspapers.
- (i) A county, municipality, or any agency of a county or municipality may not:
- (1) Impose on a publisher or distributor of newspapers by law, ordinance, or regulation any recycling content percentage requirements or taxes or charges based on the percent of recycled or virgin fiber contained in a newspaper; or
 - (2) Require the publisher or distributor of newspapers to collect or dispose of old newspapers in any way not imposed on the nonpublisher businesses in the county or municipality.

[\[Previous\]](#)[\[Next\]](#)